

WHITMAN COUNTY
Department of Public Works

Administration/Engineering
Road Maintenance
Equipment Rental & Revolving
Solid Waste Division
Planning Division
Building & Development

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August 14, 2019

Ryan Espegard
GORDON THOMAS HONEYWELL, LLP
600 University, Suite 2100
Seattle, WA 98101

RE: Vested Rights for Marijuana Production/Processing – 2001 Country Club Rd.

Mr. Espegard:

Whitman County received your letter, dated May 29, 2019, regarding the property situated at 2001 Country Club Road, in Whitman County, Washington, hereinafter referred to as the Selway Holdings property. This letter specifically addresses your request to consider whether the Selway Holdings property is subject to the moratorium regarding the implementation of new marijuana growing/processing/retailing facilities in unincorporated Whitman County. The moratorium was enacted on March 4, 2019, by the Board of County Commissioners so that they could develop more comprehensive land use ordinances for the growing/processing/retailing of marijuana products in rural Whitman County.

Your request for consideration was addressed to me, as Public Works Director. Since I report directly to the Board of County Commissioners, I referred your request to them for input, and to the Whitman County Prosecuting Attorney, Denis Tracy, for legal guidance. The details of your request were reviewed, and shared with the staff and the County Commissioners.

In your letter, you explained your analysis as to why you believe your building permit for an “I-502 Fence” vested your right to use the property for that purpose, under the County’s zoning laws that were in effect at the time of the issuance of the permit. You pointed to a strikingly similar case from Snohomish County which reached that same result. The County has come to the conclusion that your legal arguments would very likely prevail in this very similar case. Therefore, the County concludes that, as far as the moratorium is concerned, Selway Holdings has a vested right to use the property for

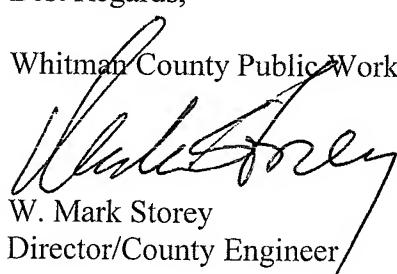
marijuana production, to the extent they comply with the laws and zoning codes in existence when the building permit was issued.

This should not be construed in any other way, and does not extend to processing or retail activities, which are not permitted uses in the Agricultural Zone. We also ask that you continue to follow the development of local regulations for growing, processing, and retail of marijuana and marijuana-infused products. We would be grateful if you would strive to meet the intent of the new regulations in any of your endeavors at the facility on Country Club Road.

Please let us know if you have any additional questions or concerns.

Best Regards,

Whitman County Public Works



W. Mark Storey

Director/County Engineer

C: Denis Tracy, Whitman County Prosecutor
Board of County Commissioners
Alan Thomson, County Planner